

OUTDOOR DINING PERMIT / OUTDOOR DINING ENCROACHMENT AGREEMENT INFORMATION SHEET

Based on the following descriptions, determine which of the attached applications you need to complete. City Ordinance #3024, Sec. 16-146 specifically outlines outdoor dining area requirements.

An **Outdoor Dining Permit** is required for dining areas which use 30 sq. ft. or less of sidewalk space and do not have anything attached to the sidewalk. If this is the case, only the application and attachments are required.

An **Outdoor Dining Encroachment Agreement** is required for dining areas which use over 30 sq. ft. of sidewalk space and/or which have something attached to the sidewalk. If this is the case, the application, attachments, and encroachment agreement application are required.

1. Include the following with your application:

___ Drawing showing:

- ◆ sidewalk width from the front of the building to the street edge
- ◆ required 6 ft. of pedestrian passageway
- ◆ location and dimensions of the outdoor dining area
- ◆ location and size/dimensions of any canopy, awning, fencing or railing attached to sidewalk
- ◆ location of trash receptacles and/or any other accessory within the dining area
- ◆ indicate the number of and location of tables and chairs within the dining area
- ◆ any City trash receptacle, tree, or tree pit adjacent to your dining area

___ Certificate of Insurance for \$1,000,000 (**show City Of Asheville as additional insured**)

___ City Privilege License

___ Health Dept. Certificate

___ ALE Permit

___ Completed Encroachment Agreement Application

___ Permit Fee (Fee schedule attached)

2. If you are wanting to add any type of signage, contact the Code Enforcement office, located on the Fifth Floor of City Hall (828-259-5850).
3. Contact the Health Department, located at 35 Woodfin Street (828-250-5016), to make sure that all Health Department rules are being followed. Obtain Health Dept. Certificate.
4. If you plan to serve alcoholic beverages, contact the Alcoholic Beverage Control office, located at 599-B Tunnel Rd. (828-298-4880), for their requirements on serving alcoholic beverages. Obtain a ALE permit.
5. Obtain a Certificate of Insurance for \$1,000,000. **You need to include the City of Asheville as "Additional Insured".** Permits will not be issued without the "Additional Insured" verbiage.
6. Contact Customer Services, located on the First Floor of City Hall (828-251-1122), to determine if adding the outdoor dining area will increase your Privilege License fee.
7. Submit the completed application, the encroachment agreement application (if required), ALL required documents, and the permit fee to the City Development office, 29 Haywood St., Asheville, NC 28801.
8. Once approved, you will receive a signed copy of your application, which will serve as your permit.
9. The City of Asheville's permit year runs from July 1 until June 30th of the following year.

If you have any questions, please call City Development at (828) 232-4505 Fax (828) 232-4506

OUTDOOR DINING PERMIT

Date of Application: _____

Permit Expires: June 30, _____

Name of Applicant _____

Name of Business _____

Business phone _____

Business Address _____

PLEASE ATTACH THE FOLLOWING:

___ Drawing showing:

- ♦ sidewalk width from the front of the building to the street edge
- ♦ required 6 ft. of pedestrian passageway
- ♦ location and dimensions of the outdoor dining area
- ♦ location of trash receptacles and/or any other accessory within the dining area
- ♦ indicate the number of and location of tables and chairs within the dining area
- ♦ any City trash receptacle, tree, or tree pit adjacent to your dining area

___ Certificate of Insurance for \$1,000,000 (**show City Of Asheville as additional insured**)

___ City Privilege License

___ Health Dept. Certificate

___ ALE Permit

___ Permit Fee (\$175 Application fee \$25 Renewal fee each subsequent year)

The undersigned hereby certifies that he/she has reviewed and agrees to abide by the requirements for Outdoor Dining as set forth in Article V of Chapter 16 of Code of Ordinances of the City of Asheville. The undersigned further agrees to indemnify and hold harmless the City of Asheville, its officials, officers and employees, from and against any and all claims, causes of action, suits, damages, costs, losses and expenses (including, but not limited to, attorney's fees) for personal injury and/or property damage which arise out of or may be related to activities, or activities related to those activities, as described in this permit, save and excepting therefrom any negligence of or by the City of Asheville, its officials, officers, or employees.

Further, the undersigned agrees to indemnify and hold harmless the City of Asheville, its officials, officers and employees, from and against any and all claims, causes of action, suits, damages, cost, losses and expenses (including, but not limited to, attorney's fees) which arise out of or may be related to the failure of the undersigned to comply with the Americans with Disabilities Act (the "Act"), the North Carolina State Building Code (the "Code"), any regulations promulgated pursuant to the Act or the Code and all other health and safety laws and regulations.

APPLICANT'S SIGNATURE: _____ APPLICANT'S NAME: _____
(PLEASE PRINT)

FOR OFFICE USE

___ Application complete
___ Attachments

___ Approval of Downtown Design Review

APPROVALS

___ Police
___ Risk Management
___ HRC Director (Biltmore Village location only)

CITY DEVELOPMENT DIRECTOR

Date

OUTDOOR DINING ENCROACHMENT AGREEMENT

PLEASE NOTE: You must also complete the Encroachment Agreement application.

Date of Application: _____

Permit Expires: June 30, _____

Name of Applicant _____

Name of Business _____

Business phone _____

Business Address _____

PLEASE ATTACH THE FOLLOWING:

___ Drawing showing:

- ♦ sidewalk width from the front of the building to the street edge
- ♦ required 6 ft. of pedestrian passageway
- ♦ location and dimensions of the outdoor dining area
- ♦ location and size/dimensions of any canopy, awning, fencing or railing attached to sidewalk
- ♦ location of trash receptacles and/or any other accessory within the dining area
- ♦ indicate the number of and location of tables and chairs within the dining area
- ♦ any City trash receptacle, tree, or tree pit adjacent to your dining area

___ Certificate of Insurance for \$1,000,000 **(show City Of Asheville as additional insured)**

___ City Privilege License

___ Health Dept. Certificate

___ ALE Permit

___ Completed Encroachment Agreement Application

___ Permit Fee (Fee schedule attached)

The undersigned hereby certifies that he/she has reviewed and agrees to abide by the requirements for Outdoor Dining as set forth in Article V of Chapter 16 of Code of Ordinances of the City of Asheville. The undersigned further agrees to indemnify and hold harmless the City of Asheville, its officials, officers and employees, from and against any and all claims, causes of action, suits, damages, costs, losses and expenses (including, but not limited to, attorney's fees) for personal injury and/or property damage which arise out of or may be related to activities, or activities related to those activities, as described in this permit, save and excepting therefrom any negligence of or by the City of Asheville, its officials, officers, or employees.

Further, the undersigned agrees to indemnify and hold harmless the City of Asheville, its officials, officers and employees, from and against any and all claims, causes of action, suits, damages, cost, losses and expenses (including, but not limited to, attorney's fees) which arise out of or may be related to the failure of the undersigned to comply with the Americans with Disabilities Act (the "Act"), the North Carolina State Building Code (the "Code"), any regulations promulgated pursuant to the Act or the Code and all other health and safety laws and regulations.

APPLICANT'S SIGNATURE: _____ **APPLICANT'S NAME:** _____
(PLEASE PRINT)

OWNER'S SIGNATURE: _____ **OWNER'S NAME:** _____
(PLEASE PRINT)

FOR OFFICE USE

___ Application complete
___ Attachments

___ Approval of Downtown Design Review
___ Completed Encroachment Agreement

APPROVALS

___ Police
___ Risk Management

HRC Director (Biltmore Village location only)

___ FORWARDED TO PUBLIC WORKS FOR ENCROACHMENT AGREEMENT

Instructions: Please fill out the following questions about the proposed encroachment. This information will be verified by the City of Asheville and used in development of the legal agreement between the applicant and the City of Asheville.

ENCROACHMENT APPLICATION

1. Name of Applicant: _____
Address of Applicant: _____ Phone #: _____
2. The owner(s) of the real property requesting the encroachment is:
_____.
3. The real property which the encroachment will benefit is located at: _____,
Asheville, North Carolina, and more particularly described as: Pin #(s) _____. (Please attach location map)
4. The type of encroachment is as follows: location, type, and size (length, width, and height) of encroaching structures or merchandise. (Please attach site plan showing location of furniture, canopies, fencing, dimensions of dining or merchandise area, and pedestrian passageway). _____

5. Has the design been through the Downtown Design Review or HRC Review Process (only if applicable): _____ (Please attach photos/drawings/representation of design of furniture, canopies, fencing).
6. Reason for the proposed encroachment: _____

7. Why is the proposed encroachment necessary: _____

8. Is the encroachment located within a public/private traveled road? _____
How far is the encroachment located from a traveled road? _____
9. The characteristics of the neighborhood where the encroachment is to be located is as follows:
 - a. _____ Commercial
 - b. _____ Residential
 - c. _____ Heavy Motoring Traffic
 - d. _____ Heavy Pedestrian Traffic
 - e. _____ Heavy/Light Concentration of Children
 - f. _____ Other (please explain) _____

10. Is the encroachment located in close proximity to an area where mail is delivered? _____
11. Will the encroachment block regulatory signs, crosswalks, intersections, or cause site visibility problems? _____
12. Will the encroachment include sharp edges, protrusions or other features which may be hazardous to the public? _____
13. Will the encroachment obstruct the Police or Fire Departments in responding to service calls? _____
14. Will the encroachment interfere with pedestrian (6' pedestrian zone) or vehicular passage or safety? _____
15. Will the encroachment be located in the exit pattern of a building? _____
16. Will the encroachment include any structures that protrude over the public way at a height less than 8' (canopies 7')? _____
17. Will the encroachment be located in proximity to the collection of garbage? _____
18. Will the encroachment require the removal of trees along the public right-of-way? _____
19. Will the encroachment be located so as to prevent easy accessibility to cleaning the street it is nearest? _____
20. Will the location of the encroachment be constructed over an existing water or wastewater line or other utility? _____
21. Will the encroachment be situated so as to interfere with an existing water or wastewater line or other utility? _____
22. Will the encroachment be constructed over an existing stormwater facility of other utility? _____
23. Will the encroachment interfere with an existing stormwater facility or other utility? _____

Signature of owner

Signature of owner

Signature of leasee (where applicable)

*NOTE: In order for this application to be considered, all owners of the real property requesting the proposed encroachment must sign this application. If the applicant is someone other than an owner and is acting on behalf of the owner(s), appropriate documentation must be submitted with this application showing proof that the applicant is authorized to file this application on behalf of the owner(s).

